

CHAPTER NO. 306

SENATE BILL NO. 626

By Haynes, Trail, Graves, Bryson, Kurita, Harper

Substituted for: House Bill No. 736

**By Hood, Briley, Garrett, Coleman, Langster, Bone, Rowland, Pruitt, Black, Lynn,
Sherry Jones, Davidson, Harmon, Odom, Hargrove, Casada, Sargent, Harwell,
Sontany, McDonald, Cobb**

AN ACT to amend Tennessee Code Annotated, Title 64, Chapter 8, Part 1, relative to the regional transportation authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 64-8-101, is amended by adding the following after the first sentence of the section:

In order for any of the forementioned counties or any city, town or metropolitan government located within one of these counties to participate in the regional transportation authority, the local government must pay its yearly local assessment to the authority within the time frame established by the authority. A county or city, town or metropolitan government may opt out of participation by means of a notice to the authority that it is ceasing payment of its yearly assessment, or the failure of any local government to pay its yearly assessment, after notice and within a time frame as established by the authority, shall result in a presumption of the authority that the local government wishes to opt out of participation in the authority. Such presumption may be overcome by the local governments payment of current and past due assessments within a time frame established by the authority.

SECTION 2. Tennessee Code Annotated, Section 64-8-102(a), is amended by deleting subdivision (1)(B) in its entirety and by substituting instead the following language:

The mayor of each town or city included within the authority.

SECTION 3. Tennessee Code Annotated, Section 64-8-102(a), is amended by adding the following sentence to the end of subdivision (1)(D):

In making these appointments, the Governor shall strive to appoint people who will reflect the composition and interest of the population of the service area of the authority.

SECTION 4. Tennessee Code Annotated, Section 64-8-102(e), is amended by deleting the language "an affirmative or negative vote of a majority the total membership of the board." and by substituting instead the following language:

a majority vote of a quorum of the board such quorum being set by the authority's bylaws.

SECTION 5. Tennessee Code Annotated, Section 64-8-102(f), is amended by adding the following language to the end of the subsection:

The executive committee may be empowered to perform as the administrative body of board. The executive committee may be empowered by the board to act in its stead.

SECTION 6. Tennessee Code Annotated, Section 64-8-104, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) In addition to the powers to plan for mass transit services, the authority shall have the following additional powers and duties in order to implement its plans for mass transit and other transportation services:

(1) To organize itself into a public body, elect officers and adopt bylaws for the purpose of carrying out the functions authorized by this chapter;

(2) To sue and be sued in its name with any causes of action against the authority or recovery against the authority governed by the provisions of Title 29, Chapter 20;

(3) Enter into contracts and cooperative agreements with governmental, not-for-profit, and for-profit entities;

(4) Purchase, own, lease, and dispose of real and personal property in furtherance of the purposes of and the implementation of the authority's transit and transportation plans;

(5) Employ personnel or contract with public or private entities to construct or operate transportation and transit services;

(6) Employ or contract for professional services such as but not limited to management, planning, support, engineering, legal, accounting and auditing services;

(7) Utilize for transit or transportation services any property, right-of-way, easement or other similar property owned or held by the state or any municipality, county or metropolitan government within the transportation service area of the authority which may be necessary and convenient for the implementation of the authority's transit and transportation plans so long as the governmental entity owning or controlling such property shall consent to the authority's use;

(8) The implementation of the authority's transit and transportation plans will necessitate the acquisition, construction, operation, and maintenance of properties, facilities, and equipment and the employment of personnel or contracting for services all of which the authority is authorized to undertake and accomplish and all of which are hereby declared and deemed to be for public and governmental functions conducted by the authority. The authority is a public body corporate and politic and all powers and duties granted herein are and shall be declared public and corporate purposes and matters of public necessity; and


(9) Establish local assessments to be paid by its city, town, metropolitan, and county government members. The local assessment

shall be based on a per capita and a flat rate. In establishing the per capita assessment, the authority shall use the population figures of the latest certified population of Tennessee incorporated municipalities and certified population of Tennessee counties as reported by the Department of Economic and Community Development. The per capita assessment established by the authority shall be at a rate of not less than ten cents (10¢) per capita nor greater than fifty cents (50¢) per capita. The authority shall establish a flat assessment of five hundred dollars (\$500). For the purpose of calculating the assessment for any county or metropolitan government, the population of any town or city located wholly or partly within the county or the towns or cities within the geographic boundary of the metropolitan government but which are not a part of the metropolitan government shall not be included in the population of the county or metropolitan government. The authority's local assessment shall be imposed on October 1 of each calendar year, and the member government shall pay either the per capita rate or the flat assessment, whichever is greater. Failure of a city, town, metropolitan or county government to pay such assessment shall result in the loss of that government's participation in the benefits of the authority.

SECTION 7. This act shall take effect October 1, 2003, the public welfare requiring it.

PASSED: May 27, 2003


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2003


PHIL BREDESEN, GOVERNOR